



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 9, 2014

By ECF & Electronic Mail

The Honorable Loretta A. Preska
United States District Judge
Chief Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Jose Castro, et al., S2 12 Cr. 863 (AJN)

Dear Judge Preska:

The Government respectfully writes to a request an adjournment of the pre-trial filing deadlines for the trial scheduled to begin on September 8, 2014. The reason for the request is that the Government and the remaining defendants are engaged in the final stages of plea discussions that may obviate the need for the pre-trial filings.


As the Court will recall, seven defendants were originally scheduled for trial on September 8th. Three of those defendants have pleaded guilty and a fourth defendant, Calvin Thomas, is scheduled to plead guilty tomorrow in Magistrate Court. The Government is engaged in the final stages of plea discussions with counsel for three remaining defendants, Kevin Henderson, Jermaine Nibbs, and Alfonso Lee. However, those discussions have not yet concluded. Counsel for Jermaine Nibbs, Susan Tipograph, Esq., and counsel for Alfonso Lee, Dawn Florio, Esq., have each conveyed to the Government that they expect their clients to plead guilty pursuant to plea agreement offers made by the Government, but each of the attorneys is currently on trial. Ms. Tipograph and Ms. Florio expect their current trials to last approximately two more weeks. Counsel for Kevin Henderson, Joshua Dratel, Esq., also conveyed to the Government that he expects his client to plead guilty to the Government's current plea offer.

Under the current schedule set by the Court, the deadline for motions *in limine*, severance motions, and Rule 404(b) notice is set for this Monday, July 14, 2014. The Government respectfully requests that the deadline for these filings be extended until July 30, 2014 and that the deadline for any responses to motions be extended August 15, 2014. This adjournment will allow time for the parties to conclude their plea discussions while conserving the parties' and the Court's resources in connection with the pre-trial filings, which would be rendered moot if the remaining defendants agree to pre-trial dispositions.

Defense counsel for each of the remaining defendants consents to the Government's request. If this request is agreeable to the Court, the Government respectfully requests that Your Honor so order this letter.

Respectfully submitted,

PREET BHARARA
United States Attorney

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Cc: All defense counsel (by ECF)

SO ORDERED: